IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO.(L) No.237 OF 2007

Hemant D.Shah & ors .. Plaintiffs

vs

Chittaranjan D.Shah & ors .. Defendants

Mr.Pradip Sancheti, Mr.Riyaz Chagla i.b Khaitan & Co for Plaintiff
Mr.Chirag Balsara i/b Mr.Denzil D'Mello for Defendants

CORAM : ANOOP V.MOHTA, J

DATE : 3rd May, 2007

P.C.

1. Based on interim award passed by the Arbitral Tribunal in favour of the petitioner directing the respondents to deposit Rs.5 crores, the petitioners have moved this application under section 9 of the Arbitration and Conciliation Act (for short Arbitration Act) and seeks to restrain the respondents, their servants, agents from in any manner withdrawing, transferring,adjusting sum of Rs.30,00,000/- received pursuant to the consent terms dated 13th April, 2007 read with order dated 17th April, 2007 passed in Arbitration Petition No.33 of 2007. By an order dated 30th April, 2007 counsel appearing for the respondents makes a statement that the amount have been already disbursed as per clause (2).

2. By an affidavit in reply dated 3rd May, 2007 the respondents has submitted the details of the bank accounts showing how the amount have been disbursed. Exhibit 2 and 3 are further minute details to whom the respondents have made various payments by pay orders or demand drafts on 27th April, 2007.

3. Learned counsel for the petitioners however, disputes the said details. Considering the affidavit filed on record and basically in view of Exhibit 1 which supports the statement made by the learned counsel appearing for the respondents, I am not inclined to pass any orders in the present petition. However, keeping all points open the present petition is accordingly dismissed as it is rendered infructuous in view of the facts stated above.

(Anoop V.Mohta, J)